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6   UNITED STATES DISTRICT COURT
                             EASTERN DISTRICT OF WASHINGTON
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8   TINA COLEMAN,   NO. CV-10-428-EFS

9   Plaintiff,
                                                 ORDER GRANTING AND DENYING IN
10   v.   **PART ASSET'S MOTION FOR**
                                                 PROTECTIVE ORDER
11 DANIEL N. GORDON, P.C. and
    ASSET ACCEPTANCE, LLC,
12
                    Defendants.
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14
        Before the Court is Defendant Asset Acceptance, LLC's ("Asset")
15
    Motion for Protective Order, ECF No. 48, asking the Court to quash 1) the
16
    notice of deposition issued to Asset's Federal Rule of Civil Procedure
17
    30(b)(6) designee, Ken Proctor and 2) related document-production
18
    request. Defendant Daniel N. Gordon, P.C. ("Gordon") joined the motion,
19
    ECF No. 63. Plaintiff Tina Coleman opposes the motion, submitting she
20
    is entitled to depose Ken Proctor because he has relevant information
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    regarding her account, Asset's Fair Debt Collections Practices Act
22
    (FDCPA) compliance procedures, and Asset's written-discovery responses.
23
    After reviewing the submitted material and relevant authority, the Court
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    grants and denies Asset's motion: for the reasons given below, Plaintiff
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    may depose Mr. Proctor but his deposition is limited to seven hours.
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    ORDER ~ 1

1   In this FDCPA lawsuit, Plaintiff alleges that Asset and Gordon

2 "contributed to or participated in, authorized, or implemented the

3 policies regarding the acts complained of which caused injuries to

4 Plaintiff," "combined and concurred with each other in committing the

5 acts complained of," and "acted at all times in concert with, or as

6 principal or agent or employee of the other in a common financial

7 enterprise."   ECF No. 30 ¶¶ 11-13.   Plaintiff seeks to hold Asset

8 "vicariously liable for the conduct of Gordon, its collection attorney

9 as its agent." *Id.* ¶ 15. The federal discovery rules allow Plaintiff to

10 "obtain discovery regarding any nonprivileged matter that is relevant to

11 any party's claim or defense—including the existence, description,

12 nature, custody, condition, and location of any documents or other

13 tangible things and the identity and location of persons who know of any

14 discoverable matter."   Fed. R. Civ. P. 26(b)(1).

15   As Asset's Rule 30(b)(6) designee, Mr. Proctor is clearly in

16 possession of relevant information.   And Rule 30(a)(1) allows a party to

17 "depose any person, including a party, without leave of court," unless

18 required by Rule 30(a)(2).   Neither party advised the Court that leave

19 of Court is required under Rule 30(a)(2).   Accordingly, Plaintiff may

20 depose Mr. Proctor so long as "reasonable written notice" was given to

21 "every other party."   Fed. R. Civ. P. 30(b)(1).   The Court finds

22 Plaintiff's written notice was reasonable: it was dated July 29, 2011,

23 set an October 17 and 18, 2011 deposition date, and identified the

24 location (Spokane, Washington).   Accordingly, Asset and Mr. Proctor had

25 approximately six weeks to prepare for this deposition.

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ORDER ~ 2

1   Yet, there is no explanation as to why two dates were listed for the

2 deposition: October 17 and 18, 2011. A deposition is typically limited

3 to one day of seven hours. *Id.* at 30(d)(1). Plaintiff has not

4 identified a need to exceed this duration. Accordingly, the parties

5 shall confer to determine whether the deposition should occur on either

6 October 17 or 18, 2011, or on another date convenient to both parties.

7   Asset requests that the deposition, if it must occur, be held

8 telephonically. A deposition may occur by telephone. *Id.* at 30(b)(4).

9 Because Mr. Proctor is Asset's Rule 30(b)(6) designee and documents will

10 be discussed, it may prove to be difficult to take his deposition

11 telephonically. Accordingly, the Court will not order deposition by

12 remote means; however, the parties are free to stipulate to deposition

13 by remote means.

14   For the above-given reasons, **IT IS HEREBY ORDERED**: Asset's Motion

15 for Protective Order, **ECF No. 48**, is **GRANTED** (limited to seven hours) **and**

16 **DENIED** (remainder) **IN PART.**

17   **IT IS SO ORDERED.** The District Court Executive is directed to enter

18 this Order and provide copies to counsel.

19   **DATED** this   26th day of September 2011.

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21   S/ Edward F. Shea
              EDWARD F. SHEA
22   United States District Judge

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ORDER ~ 3